

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION

William Martin Stanley,	)	C/A NO. 6:06-1644-CMC-WMC
	)	
Plaintiff,	)	
	)	<b>OPINION and ORDER</b>
v.	)	
	)	
Sallie Stanley,	)	
	)	
Defendant.	)	
_____	)	

This matter is before the court on Plaintiff's *pro se* complaint. Plaintiff is a federal inmate who was recently convicted as being a felon in possession of a firearm and ammunition in violation of 18 U.S.C. § 922(g)(1). Plaintiff has filed a federal lawsuit against his wife, Sallie Stanley, alleging several grievances against his wife, including the allegation that she testified falsely against him during his federal criminal trial. Plaintiff seeks monetary damages.

In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2)(e), DSC, this matter was referred to United States Magistrate Judge William M. Catoe for pre-trial proceedings and a Report and Recommendation. On August 1, 2006, the Magistrate Judge issued a Report recommending that the complaint be dismissed without issuance and service of process and that this case be deemed a "strike" for purposes of 28 U.S.C. § 1915(g). The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. Plaintiff did not file objections to the Report, and during his sentencing hearing held before this court on September 7, 2006, acknowledged that he had received the Report and had no objections to it.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report and Recommendation of the Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). The court reviews the Report and Recommendation only for clear error in the absence of an objection. *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”) (citation omitted).

After reviewing the record of this matter, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court agrees with the conclusions of the Magistrate Judge. Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order. Plaintiff’s complaint is hereby dismissed with prejudice and without issuance and service of process and deemed a “strike” under 28 U.S.C. § 1915(g).

**IT IS SO ORDERED.**

s/ Cameron McGowan Currie  
CAMERON MCGOWAN CURRIE  
UNITED STATES DISTRICT JUDGE

Columbia, South Carolina  
September 8, 2006